THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.2014 OF 2006

DATE: 22nd November 2006

Between:
V.Manjula, w/o Prabhakar,
Aged 32 years, r/o Magaundlapalli village,
Punganoor Mandal, Chittoor District.

…Petitioner

And

1. Sub-Collector, Madanapalli,
   Chittoor District and 2 others.

…Respondents.

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ORDER:

This writ petition is filed seeking a writ of Mandamus declaring proceedings of the first respondent in Roc.No.A3/2831/2005, dated 07.01.2006, in reserving fair price shop dealership of Magandlapalli village, Punganur Mandal, Chittoor District, to B.C. Community, as arbitrary and illegal; and consequently to direct the respondents to consider the case of the petitioner for appointment of fair price shop dealer against the said vacancy.

2. It appears that the petitioner's father-in-law was the permanent fair price shop dealer of Magandlapalli village, Punganur Mandal, Chittoor District. Since he expired, the petitioner being the daughter-in-law of the permanent fair price shop dealer, has been allotted with the fair price shop on temporary basis with effect from 20.7.2005. While so, under the

impugned notification dated 07.01.2006 applications were invited for filling up fair price shop vacancy of Magandlapalli village, Punganur Mandal, Chittoor District, reserving it to Backward Class Community.

3. It is the case of the petitioner that in the entire village there are only two families belonging to Backward Class Community, therefore, this is the village really requires to be earmarked for O.C. category and if it is reserved for O.C. category, the petitioner also can file an application and compete with others. But, since it is earmarked against Backward Class Community, the petitioner cannot compete and her livelihood would be taken away once for all.

4. The respondents filed a detailed counter stating that it is a fact that the population of O.C. category is more than 847 in the entire village, which outnumbers any other community taken separately. However, it is stated that there are 1186 fair price shops existing in the division and the following backlog vacancies have to be filled up as per the reservation policy under G.O.Ms.No.53 FCS and CA (CS-I) Dept., dated 06.10.203.

Sl.No.	Category	No. of vacancies to be reserved	No. of existing dealers	Backlog to be filled
1	SCs	178	143	35
2	STs	71	28	43
3	BCs	296	222	74
4	PHCs	36	24	12

Further, on receiving instructions from the Sub-Collector, Madanapalli, it is stated that there are no backlog vacancies available against O.C. category. In view of the above, even if majority population of the village is OC category, the question of reserving the same against O.C. category does not arise.

5. I am of the opinion that the stand taken by the respondent is fully supported by the statistics noticed above. However, if no applications from the candidates belonging to B.C. Community are received as per the notification dated 07.01.2006 issued by the Sub-Collector, Madanapalli, the Sub-Collector may consider reserving the vacancy to O.C. category in calling for fresh applications if any necessary. Till then the authorization of the petitioner shall not be disturbed.

6. Subject to above observations, the writ petition is disposed of. No costs.

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C.V.RAMULU, J.

Date: 22nd November 2006.
BSB